

REMARKS/ARGUMENTS

The Office Action mailed October 19, 2005 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

Applicant hereby requests acknowledgement of the Information Disclosure Statements filed on December 27, 2000 and April 2, 2001.

New claims 51-53 also particularly point out and distinctly claim subject matter regarded as the invention. Support for these claims may be found in the specification, page 11, lines 5-7.

In view of the Examiner's earlier restriction requirement, Applicant retains the right to present claims 1-18 and 29-50 in a divisional Application.

With this amendment it is respectfully submitted the claims satisfy the statutory requirements.

The 35 U.S.C. § 103 Rejection

Claims 19-28 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Smith et al.¹ in view of Takahashi et al.², among which claims 19, 23, 27 and 28 are independent claims. This rejection is respectfully traversed.

¹ U.S. Patent No. 6,877,036

² U.S. Patent No. 6,259,705

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a prima facie case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.³

Specifically, the Office Action contends that the elements of the presently claimed invention are disclosed in Smith except that Smith does not teach periodically checking a network access server to determine if it has become non-operational; and responding to the non-operational server and decrementing a count of the sessions used by the number of removed entries.⁴ The Office Action further contends that Takahashi teaches these elements and that it would be obvious to one having ordinary skill in the art at the time of the invention to incorporate Takahashi into Smith in order to keep track of sessions with the teachings of Takahashi regarding monitoring access servers because monitoring the status of servers allows changes to be accommodated instantly. The Applicants respectfully disagree for the reasons set forth below.

Smith does not teach an entry containing a group identification for the logged in user

As to claim 19, the Office Action alleges that Smith teaches "maintaining a master list having plurality of entries, each entry containing at least a UIV for a port associated with a logged in user and a group identification for the logged in user (col. 6, lines 14-51). However, Col. 6, lines 14-51 of do not indicate that any sort of group information is contained in the client

³ M.P.E.P § 2143.

⁴ Office Action ¶¶ 4-5.

data structure, which the Office Action is apparently equating with the master list of the claims. This is an important distinction, because by keeping track of this group information in the master list, the system is easily able to decrement the count of the sessions used by the number of removed entries that correspond to the group, as stated later in claim 19.

Takahashi does not teach decrementing the count of the sessions used by the number of removed entries that correspond to the group

As to claim 19, the Office Action alleges that Takahashi teaches "decrementing a count of the sessions used by the number of removed entries". It is notable that the Office Action does not indicate that Takahashi teaches decrementing the count of the sessions used by the number of removed entries that correspond to the group. Applicant agrees that Takahashi is missing this element. Takahashi does not teach or suggest anything at all to do with maintaining or using group information. Additionally, as stated above, Smith does not teach or suggest anything at all to do with maintaining or using group information either. As such, it is clear that the combination of Smith and Takahashi also would not teach or suggest anything at all to do with maintaining or using group information.

Takahashi does not teach removing all entries for ports associated with the non-operational server

As to claim 19, Office Action alleges that Takahashi teaches "removing all entries for ports associated with the non-operational server" and points to Col. 5, line 37-col. 6, line 39. This section of Takahashi teaches performing advanced load balancing by detecting when a server is down and updating a "conversion table" to reflect the fact that the server is down. This

conversion table is used to balance the load on the active servers. This table is described in more detail in Col. 7, lines 11-24 and depicted in FIG. 4. The conversion table contains entries for each server, but does not track ports. While Takahashi does teach advanced load balancing, it uses pattern matching of incoming packets to do so. It does not track specific ports associated with each server, and as such does not teach removing entries for ports associated with a specific server when the server goes down. As such, Takahashi fails to teach or suggest this element.

As to dependent claims 20-22 and 24-26, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

THELEN REID & PRIEST, LLP

Dated: 1/19/06



Marc S. Hanish
Reg. No. 42,626

Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 292-5800
Fax. (408) 287-8040